

**REMARKS**

Applicants wish to thank the Examiner for reviewing the present patent application.

I. Restriction Under 35 USC §121

The Examiner has issued a restriction under 35 USC §121 and asserts that claims 1-12, 13, 14 and 15 are drawn to distinct categories of inventions. Nevertheless, Applicants elect to prosecute claims 1-12 and claims 13-15 have been cancelled without prejudice or disclaimer. Regarding claims 13-15, Applicants reserve the right to file a divisional application. Since, therefore, claims 1-12 are the only claims remaining pending for prosecution on the merits, the restriction requirement should be withdrawn and rendered moot.

II. Rejection Under 35 USC §112, Paragraph 2

The Examiner has rejected claims 1-12 under 35 USC 112, paragraph 2. The Examiner mentions that claim 1 is vague and indefinite since the claim recites "preferably", making a narrower statement within a broad recitation. Applicants have amended claim 1 to better conform with 35 USC §112, paragraph 2. Therefore, all rejections under the same should be withdrawn and rendered moot.

### III. Rejection Under 35 USC §103

The Examiner has rejected claims 1 and 3-12 under 35 USC §103 as being unpatentable over DeSimone et al., U.S. Patent No. 5,866,005 (hereinafter '005). In the rejection, the Examiner mentions, in summary, that the '005 reference teaches the use of carbon dioxide in cleaning applications. Moreover, the Examiner mentions that the '005 reference employs co-solvents, modifiers, co-surfactants, bleaches, optical brighteners, enzymes, or rheology modifiers. The Examiner correctly notes that the '005 reference does not, even remotely, teach, suggest, or disclose the use of hydrophilic fluorescent agents. Nevertheless, (while not explicitly stated by the Examiner in the Office Action) it appears as if the Examiner is relying on Schlenker et al., U.S. Patent No. 5,269,815 (hereinafter '815) for teaching the use of fluorescent whitening agents in carbon dioxide. In view of this, the Examiner believes that the rejection made under 35 USC §103 is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

The present invention is directed to a dry cleaning composition comprising densified carbon dioxide and polar solvent in a weight ratio of from 5:1 to 100,000:1, surfactant and a hydrophilic fluorescer wherein the densified carbon dioxide is at a temperature from about -78.5 to about 30°C.

The invention set forth in independent claim 1 is further defined by the dependent claims which claim, among other things, the type of surfactant employed, microemulsion formation, core droplet size, the amount of surfactant employed, the amount of solvent employed, log P and pKa values as they pertain to the fluorescer, and specific types of fluorescer.

In contrast, the '005 reference merely describes a cleaning process that uses carbon dioxide as a solvent and molecular engineered surfactants. The '005 reference does not, in any way, employ a fluorescer. Moreover, the vast deficiencies of the '005 reference are not cured by the '815 reference since the '815 reference discloses that fluorescers in carbon dioxide should be used at temperatures that are preferably between 100 and 150°C (please see column 5). To the contrary, the Applicants have unexpectedly discovered that certain fluorescers in the presence of a polar solvent can be effectively applied to fabrics being cleaned in a dry cleaning solvent comprising carbon dioxide, even at temperatures between about -78.5°C to about 30°C. In view of this, it is clear that all of the critical limitations of the claimed invention are not found in the combination of references relied on by the Examiner. Applicants submit, therefore, that the 35 USC §103 rejection should be withdrawn and rendered moot.

#### IV. Rejection Under 35 USC §103

The Examiner has rejected claim 2 as being unpatentable over DeSimone et al., U.S. Patent No. 5,866,005 (hereinafter '005) in view of Schlecker et al., U.S. Patent No. 5,269,815 (hereinafter '815) further in view of WO 96/27704 (hereinafter '704). In the rejection, the Examiner mentions, in summary, that the '005 and '815 references are relied on for the reasons set forth above and that the '704 reference is relied on for

teaching stain removal from fabrics in densified carbon dioxide whereby 0.001% to 10% by weight of a surfactant is employed. In view of the above, the Examiner believes that the obviousness rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

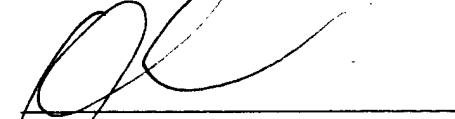
As already made of record, the present invention is directed to a dry cleaning composition comprising densified carbon dioxide and polar solvent in a weight ratio of from 5:1 to 100,000:1, surfactant and a hydrophilic fluorescer wherein the densified carbon dioxide is at a temperature from about -78.5°C to about 30°C. Since, the combination of references relied on by the Examiner does not teach the use of such a specific hydrophilic fluorescer, and particularly with densified carbon dioxide that is at a temperature from about -78.5°C to about 30°C, the 35 USC §103 rejection is improper. Particularly, the references relied on by the Examiner teach that fluorescers may be used along with carbon dioxide when the temperature of the carbon dioxide is preferably between 100° and 150°C. Thus, it is clear that the Examiner has not established a *prima facie* case of obviousness as required by law. Applicants, therefore, submit that the obviousness rejection be withdrawn and rendered moot.

In view of the above, it is respectfully submitted that all claims of record are now in condition for allowance. Reconsideration and favorable action are earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, he is kindly invited to contact the undersigned at his earliest convenience.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the claims

Please cancel claims 13-15, without prejudice or disclaimer and amend claim 1 as follows:

1. (Amended) A dry cleaning composition comprising densified carbon dioxide and polar solvent in a weight ratio of from 5.:1 to 100,000, ~~preferably from 10:1 to 10,000:1,~~ surfactant and a hydrophilic fluorescer wherein the densified carbon dioxide is at a temperature from about -78.5°C to about 30°C.